

REMARKS

The claims are claims 1, 3, 4, 7 and 13.

Claims 1 and 7 were rejected under 35 U.S.C. 102(e) as anticipated by Saito U.S. Patent No. 6,449,717.

Claim 1 recites subject matter not anticipated by Saito. Claim 1 recites the authorized user locally transmits data "employing a local connection having a first bandwidth" and authorizing the receiver's use of data by a trusted agent "employing a network having a second bandwidth less than said first bandwidth." The Response to Arguments section of the FINAL REJECTION states that Saito teaches direct connection and network connection and by implication teaches the two differing bandwidths recited in claim 1. Even if this is true, Saito fails to teach the subject matter of claim 1. Claim 1 recites two differing data transmissions and further recites two differing connections for transmission. Claim 1 also requires that the data transmission employ "a local connection having a first bandwidth" and that the authorizing the receiver's use transmission use "a network having a second bandwidth less than said first bandwidth." Saito fails to teach that the two transmissions take place using the two connections as recited in claim 1. These limitations are in accordance with the teaching in this application at page 2, line 25 to page 3, line 5 which state:

"Copying involves the transfer of large amounts of musical data, making a high-bandwidth data connection desirable. These are inexpensive and common between items of consumer end equipment, but high-speed connections to the Internet are significantly more expensive and rare at this time. This favors highly local communication for the distribution of the musical data. For example, Alice could connect her portable music player directly to Bob's jukebox to obtain certain music, and this might be more convenient than for Alice to download it from the Internet herself.

"Authorization for use requires communication with a trusted authorizing agent, so inherently requires non-local communication. However it can properly be verified using only small data transfers. Thus authorization may conveniently be transacted using commonly available low-speed wide-area networks, such as the traditional wired or cellular telephone networks."

This portion of the application makes clear that it is advantageous to adopt the differing connections with differing bandwidths for the two transmissions. The Applicant submits that one skilled in the art on consideration of this disclosure of Saito would employ the same connection, either a direct connection or a network connection, for both transmission of the data and the authorization. One skilled in the art would not be motivated to use the two connections disclosed in Saito in the manner recited in claim 1 absent this teaching from this application. Saito includes no teaching of this advantage and no teaching of using the differing data transmission connections in the manner recited in claim 1. Thus Saito teaches all the parts recited in claim 1 without teaching the particular arrangement of these parts claimed. Accordingly, claim 1 is allowable over Saito.

Claim 7 is allowable by dependence on allowable claim 1.

Claims 3, 4 and 13 were rejected under 35 U.S.C. 103(a) as made obvious by the combination of Downs et al U.S. Patent No. 6,574,609 and Saito U.S. Patent No. 6,449,717.

Claim 3 recites subject matter not made obvious by the combination of Downs et al and Saito. Claim 3 recites the sender locally transmits data "employing a local connection having a first bandwidth" and both the receiver transmitting the encrypted key to a trusted agent and the trusted agent sending to decrypted encryption key to the receiver "employing a network having a second bandwidth less than said first bandwidth." The FINAL REJECTION cites similar portions of Saito as cited in the rejection of claims

1 and 7 as making obvious the two differing bandwidth connections. Claim 3 recites two differing data transmissions and further recites two differing connections for transmission. Claim 3 also requires that the data transmission employ "a local connection having a first bandwidth" and that the authorizing the receiver's use transmission use "a network having a second bandwidth less than said first bandwidth." Saito fails to teach that the two transmissions take place using the two connections as recited in claim 3. These limitations are in accordance with the teaching in this application at page 2, line 25 to page 3, line 5 quoted above. This portion of the application makes clear that it is advantageous to adopt the differing connections with differing bandwidths for the two transmissions. The Applicant submits that one skilled in the art on consideration of this disclosure of Saito would employ the same connection, either a direct connection or a network connection, for both transmission of the data and the authorization. One skilled in the art would not be motivated to use the two connections disclosed in Saito in the manner recited in claim 3 absent this teaching from this application. Saito includes no teaching of this advantage and no teaching of using the differing data transmission connections in the manner recited in claim 1. Thus Saito teaches all the parts recited in claim 3 without teaching the particular arrangement of these parts claimed. The FINAL REJECTION includes no allegation that Downs et al makes obvious these limitations. Accordingly, claim 3 is allowable over Downs et al and Saito.

The Applicants respectfully request entry and consideration of this amendment. Entry of this amendment is proper at this time because the amendment serves only to clarify subject matter previously recited. Thus no new search or reconsideration is required.

The Applicants respectfully submit that all the present claims are allowable for the reasons set forth above. Therefore early entry of this amendment, reconsideration and advance to issue are respectfully requested.

If the Examiner has any questions or other correspondence regarding this application, Applicants request that the Examiner contact Applicants' attorney at the below listed telephone number and address to facilitate prosecution.

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Respectfully submitted,

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